
HOUSE BILL 1438

State of Washington 60th Legislature 2007 Regular Session

By Representatives Chandler, Anderson, McDonald, Haler, Bailey,
Newhouse, Condotta, McCune, Strow, Rodne, Armstrong, Roach,
Kristiansen, Pearson, Hankins, Skinner, Dunn and Ross

Read first time 01/19/2007. Referred to Committee on State
Government & Tribal Affairs.

1 AN ACT Relating to forwarding ballots; and amending RCW 29A.40.091.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 29A.40.091 and 2005 c 246 s 21 are each amended to
4 read as follows:

5 The county auditor shall send each absentee voter a ballot, a
6 security envelope in which to seal the ballot after voting, a larger
7 envelope in which to return the security envelope, and instructions on
8 how to mark the ballot and how to return it to the county auditor. The
9 instructions that accompany an absentee ballot for a partisan primary
10 must include instructions for voting the applicable ballot style, as
11 provided in chapter 29A.36 RCW. The absentee voter's name and address
12 must be printed on the larger return envelope, which must also contain
13 a declaration by the absentee voter reciting his or her qualifications
14 and stating that he or she has not voted in any other jurisdiction at
15 this election, together with a summary of the penalties for any
16 violation of any of the provisions of this chapter. The declaration
17 must clearly inform the voter that it is illegal to vote if he or she
18 is not a United States citizen; it is illegal to vote if he or she has
19 been convicted of a felony and has not had his or her voting rights

1 restored; and, except as otherwise provided by law, it is illegal to
2 cast a ballot or sign an absentee envelope on behalf of another voter.
3 The return envelope must provide space for the voter to indicate the
4 date on which the ballot was voted and for the voter to sign the oath.
5 It must also contain a space so that the voter may include a telephone
6 number. A summary of the applicable penalty provisions of this chapter
7 must be printed on the return envelope immediately adjacent to the
8 space for the voter's signature. The signature of the voter on the
9 return envelope must affirm and attest to the statements regarding the
10 qualifications of that voter and to the validity of the ballot. The
11 return envelope must also have a secrecy flap that the voter may seal
12 that will cover the voter's signature and optional telephone number.
13 For out-of-state voters, overseas voters, and service voters, the
14 signed declaration on the return envelope constitutes the equivalent of
15 a voter registration for the election or primary for which the ballot
16 has been issued. The voter must be instructed to either return the
17 ballot to the county auditor by whom it was issued or attach sufficient
18 first class postage, if applicable, and mail the ballot to the
19 appropriate county auditor no later than the day of the election or
20 primary for which the ballot was issued.

21 ~~((If the county auditor chooses to forward absentee ballots, he or~~
22 ~~she must include with the ballot a clear explanation of the~~
23 ~~qualifications necessary to vote in that election and must also advise~~
24 ~~a voter with questions about his or her eligibility to contact the~~
25 ~~county auditor. This explanation may be provided on the ballot~~
26 ~~envelope, on an enclosed insert, or printed directly on the ballot~~
27 ~~itself. If the information is not included, the envelope must clearly~~
28 ~~indicate that the ballot is not to be forwarded and that return postage~~
29 ~~is guaranteed.)) Absentee ballots may not be forwarded. The ballot
30 envelope must clearly indicate that the ballot may not be forwarded and
31 should be returned to the county auditor with return postage guaranteed
32 if the voter is no longer at the address provided for the absentee
33 ballot.~~

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